IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6122 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJ - Petitioner(s)

Versus

GADHVI D LAKHAJI - Respondent(s)

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Appearance :
MR MR Mengdey, AGP for Petitioner(s) : 1,
SERVED BY AFFIX.(N) for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 22/09/2005

ORAL JUDGMENT

In this petition under Article 227 of the Constitution of India, the petitioner State of Gujarat has challenged the legality and validity of the judgment and order passed by the Gujarat Revenue Tribunal dated 27th January 1987 in Revision Application No. TEN BA. 1198 of 1984 in partly allowing the said revision application and granting 2

units in favour of the respondent under the provisions of Gujarat Agricultural Lands Ceiling Act, 1960, i.e., one unit for mother and the sons. The present Special Civil Application was ordered to be heard along with Special Civil Application No. 5276 of 1984 as identical question with regard to allowing unit in favour of the mother was under challenge by the State Government in that petition. The Special Civil Application No. 5276 of 1984 and allied matters came to be decided and disposed by the learned Single Judge of this Court vide judgment and order as reported in ***1994(1) G.L.R. Page 448*** whereby the challenge to the Full Bench Judgment of the Gujarat Revenue Tribunal allowing one unit in favour of mother came to be dismissed and the order passed by the Full Bench of Gujarat Revenue Tribunal came to be confirmed. In the present case also, while partly allowing the Revision Application No. TEN.B.A. 1198 of 1984, the Gujarat Revenue Tribunal has relied upon the judgment of its own Full Bench which came to be confirmed by the learned Single Judge of this Court in the aforesaid judgment. In that view of the matter, the present Special Civil Application is also required to be dismissed.

2. For the reasons stated above, the petition fails. Rule is discharged.

Rmr. *[M.R. Shah, J.]*